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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-6

13 **JOY ARELLANO DEAN**
1019 Friendship Lane #406
Fredericksburg, TX 78624
14 Registered Nurse License No. 685889

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about August 9, 2006, the Board of Registered Nursing issued Registered
23 Nurse License Number 685889 to Joy Arellano Dean (Respondent). The Registered Nurse
24 License expired on December 31, 2009, and has not been renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Section 2761 of the Code states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.”

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct – Out of State Discipline)

(Bus. & Prof. Code § 2761, subd. (a)(4))

5 9. Respondent has subjected her registered nurse license to disciplinary action under
6 Code section 2761, subdivision (a)(4), in that on or about March 10, 2009, in a disciplinary action
7 before the Texas Board of Nursing, the Texas Board entered an Agreed Order (Order) with
8 Respondent, sanctioning Respondent with a Warning with Stipulations. The Order required
9 Respondent to: (1) comply in all respects with the Nursing Practice Act and the Rules and
10 Regulations Relating to Nurse Education, Licensure, and Practice; (2) not work outside the State
11 of Texas pursuant to a multistate licensure privilege without the written permission of the Texas
12 Board of Nursing and the Board of Nursing in the party state where she wishes to work during the
13 effective dates of the Order; (3) deliver her wallet-sized license to the Texas Board within 10 days
14 of the ratification of the Order; (4) within one year of entry of the Order, successfully complete a
15 Texas Board-approved course in Texas nursing jurisprudence and ethics for a minimum of six
16 contact hours; (5) within one year of entry of the Order, successfully complete a Texas Board-
17 approved course in Texas nursing documentation for a minimum of six hours of classroom time;
18 (6) within one year of entry of the Order, successfully complete the course "Sharpening Critical
19 Thinking Skills," a 3.6 contact hour online program provided by the National Council of State
20 Boards of Nursing Learning Extension; and (7) pay a monetary fine.

21 10. The order further required that should Respondent practice as a registered nurse in the
22 State of Texas, Respondent must provide direct patient care and practice in a hospital, nursing
23 home, or other clinical setting and work in such setting for a minimum of 64 hours-per-month
24 under various stipulations for one year of employment. The length of the stipulation period
25 would be extended until the 12 month period elapsed. The stipulations required Respondent to:
26 (1) notify each present and future employer in nursing of the Order and the stipulations on her
27 license and provide a complete copy of the Order and all Proposals for Decision issued by the
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1 Administrative Law Judge to her employer; (2) cause each present and future employer in nursing
2 to submit the Notification of Employment form to the Texas Board; (3) work under the
3 supervision of a registered nurse with at least two years of experience in the same or similar
4 practice setting under which Respondent is working and who is on the premises and readily
5 available to provide assistance and intervention if necessary; (4) work only regularly assigned,
6 identified, and predetermined unit(s); (5) not be employed by a nurse registry, temporary nurse
7 employment agency, hospice, or home health agency; (6) not be self-employed or contract for
8 service; (7) not work for multiple employers; and (8) cause each employer to submit quarterly
9 reports regarding Respondent's capability to practice nursing.

10 11. The underlying conduct supporting the Texas Board's disciplinary order is that on or
11 about on or about December 11, 2006, and December 12, 2006, while employed as a registered
12 nurse by Windcrest Nursing and Rehabilitation in Fredericksburg, Texas, Respondent failed to
13 perform and properly document the performance of the twice daily dressing changes on both
14 Patient 1 and Patient 2, as prescribed by the physician's orders. The Texas Board concluded that
15 Respondent's conduct was likely to injure Patient 1 and Patient 2 due to the progression of
16 clinical complications including those associated with wound care. Furthermore, on or about
17 December 11, 2006, Respondent made false entries in the treatment medical records in that she
18 falsely documented that the treatments had been completed for Patient 1 and Patient 2, when in
19 fact she had not performed the treatments. Respondent admitted to her supervisor that the
20 treatments had not been completed. The Texas Board concluded that Respondent's conduct was
21 deceptive and resulted in inaccurate medical records. Furthermore, Respondent's conduct was
22 likely to injure Patient 1 and Patient 2 in that subsequent caregivers did not have accurate
23 information on which to base their decisions for further care.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
3 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 685889, issued to Joy
5 Arellano Dean;

6 2. Ordering Joy Arellano Dean to pay the Board of Registered Nursing the reasonable
7 costs of the investigation and enforcement of this case, pursuant to Business and Professions
8 Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.
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11

12 DATED: July 8, 2011

Louise R. Bailey
13 LOUISE R. BAILEY, M.ED., RN
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant

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